

**REPORT - PLANNING COMMISSION MEETING**  
**March 13, 2003**

**Project Name and Number:** Brookvale Villas Planned District (PLN2002-00339)

**Applicant:** Michael Abdollahi, Rockwell Homes, Inc.

**Proposal:** To consider a rezoning from R-G-40, Garden Apartment Residence District, to Planned District, P-2002-339, and a Preliminary Grading Plan to allow the construction of twelve for sale townhouse units on a currently vacant 0.94 acre site.

**Recommended Action:** Recommend to City Council

**Location:** 35659 and 35673 Fremont Boulevard in the Centerville Planning Area.

**Assessor Parcel Number(s):** 543-0394-029-02

**Area:** 0.94 acres

**Owner:** Rockwell Homes, Inc.

**Agent of Applicant:** Roger Shanks, Bunton Clifford Associates

**Consultant(s):** Bunton Clifford Associates

**Environmental Review:** A Mitigated Negative Declaration has been prepared for this project.

**Existing General Plan:** Medium Density Residential, 11-15 units/acre

**Existing Zoning:** R-G-40, Garden Apartment Residence District

**Existing Land Use:** Vacant

**Public Hearing Notice:** Public hearing notification is applicable. A total of 119 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on March 3, 2003. A Public Hearing Notice was delivered to The Argus on February 26, 2003, to be published by March 3, 2003.

**Executive Summary:** The applicant is requesting approval of a Preliminary and Precise Planned District rezoning and Preliminary Grading Plan to allow the construction of twelve for sale townhouse style units, including one affordable unit, on a currently vacant 0.94 acre site.

**Background and Previous Actions:** In June of 2000, an existing single-family house on the site was demolished by the previous owner with permits to allow for the potential construction of a higher density residential project. At or about the same time, multiple trees were removed without the required permits, also by the previous owner, and for which the City's Landscape Architect has established required mitigation (condition D-3). In March of 2002 the current applicant submitted plans for a Preliminary Review Procedure application to gauge City staff response to a proposed twelve unit, for sale project similar to that currently proposed. After receiving staff comments, the applicant formally applied for a Planned District rezoning, which is the application now being considered by the Planning Commission.

**Project Description:** The proposed project consists of twelve attached, for sale townhouse style units on a currently vacant 0.94 acre site fronting Fremont Boulevard across from the existing Brookvale shopping center. One of the

proposed units was volunteered by the applicant to be affordable\*, which will be subject to the review and approval of the Office of Neighborhoods, Housing Division (condition A-2). The twelve units are proposed to be developed with two floor plans; a row of six, 2,217 square foot townhouses with single car garages plus covered carports and private rear yards aligned perpendicular to Fremont Boulevard, and two groups of three, 2,256 square foot townhouses with two car garages and large front patios parallel to Fremont Boulevard. Project access will be from Fremont Boulevard. The buildings are proposed to be a contemporary craftsman style, and the onsite paving and patio areas will be broken up through the use of interlocking pavers and concrete treatments. The project includes full landscaping throughout the site.

The project site is bounded to the north and south by existing apartments and condominiums, and to the west by existing single-family houses. To the east, across Fremont Boulevard, is the Brookvale shopping center. The project applicant is proposing to use the same general architectural style and site design as the recently approved (and under construction) "Alder Villas" (PLN2001-00091), located approximately 3,000 feet to the south on the corner of Fremont Boulevard and Alder Avenue.

Because "for sale" units are proposed, a Tentative Tract Map application, reviewed by the Planning Commission, will be required after approval of the Planned District.

### Project Analysis:

- **General Plan Conformance:** The existing General Plan land use designation for the project site is medium density residential, 11-15 units per acre. Based upon the above land use designation, the development potential for the project site is as follows:

Step 1: 0.94 acres	x	11 units/acre	=	10 dwelling units
Step 2: 0.94 acres	x	13 units/acre	=	12 dwelling units
Step 3: 0.94 acres	x	15 units/acre	=	14 dwelling units

The applicant's request to construct 12 dwelling units on the project site is 2 units above the step one density and is considered appropriate for this planned district application. Planned District Amenity Fees will apply (condition A-6). Staff believes the proposed use and design, as conditioned, is consistent with the General Plan designation, because the project meets General Plan Housing and Land Use Goals and Policies as follows:

GOAL H 2: High quality and well designed new housing of all types throughout the City.  
This project would be of a high quality design and construction, and would meet this goal.

GOAL H 3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City.

Policy LU 1.23 A variety of unit types and sizes shall be encouraged within each multi-family project.

Policy LU 1.24 Multi-family housing... shall be designed to accommodate the needs of families and children.

This project incorporates two housing sizes and styles as well as an affordable component to allow it to meet these goals and policies. The proposed units include multiple bedrooms as well as private yards, which will help accommodate the potential needs of families and children.

Policy LU 1.25 Where several multi-family projects are on adjacent parcels of land, a variety of architectural and site design treatments shall be encouraged.

The proposed project is of a contemporary craftsman design (discussed later), which is both unique to the site within the immediate area while also compatible with other existing developments due to overall height, massing, and site layout. The project meets the intent of this policy.

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\* The project was proposed prior to the adoption of the City's Inclusionary Housing Ordinance. The applicant volunteered the affordable unit prior to any mandated requirement as part of the justification for a Planned District rezoning allowing the higher density. Under the new Inclusionary Housing Ordinance, the applicant would be required to provide one unit, as is already proposed.

- **Zoning Regulations:** The proposed project is a rezoning from Garden Apartment Residence District (R-G) to Planned District (PD). As previously discussed, the proposed Planned District is consistent with the existing General Plan density of 11 - 15 units per acre and with General Plan goals and policies. Although the applicant proposes a Planned District, the R-G zoning development criteria is considered in evaluating the proposed project for general conformity with City standards.

The applicant is requesting modifications from the Fremont Municipal Code (FMC) and Council-adopted Development Policies in terms of siting requirements and setbacks (Sec. 8-2805). Staff believes that the current site, architecture, grading, and landscape plans have adequately addressed staff comments and concerns; that effective conditions of approval have been incorporated to resolve any remaining, outstanding issues; and that the project, as conditioned, merits all proposed deviations from the Fremont Municipal Code.

- **Planned District Justification and Analysis:** The applicant is proposing the Planned District zoning in order to allow the development of the site at Step 2 density, or 12 units. Section 8-21810 of the FMC states that such increases in density shall only be allowed when a proposed project contains certain amenities that the Planning Commission and City Council find to be in excess of those required for standard development. The amenities proposed with this project as justification for the Planned District rezoning and higher density, in accordance with Section 8-21811(e) of the FMC, are:
  - The incorporation of an affordable unit as part of the project (condition A-2). (Although the affordable unit would now be required as part of the Inclusionary Housing Ordinance, this project was proposed prior to the requirement and the applicant voluntarily proposed the affordable unit).
  - Pedestrian orientation of the project. The proposal locating the buildings proximate to Fremont Boulevard helps create a street presence for the units. Three of the units have patios and front doors directly accessed from the Fremont Boulevard sidewalk. This is especially appropriate given the proximity of the site to the Brookvale shopping center, to which future residents could easily walk.
  - Overall high quality architecture, landscaping, and hardscaping are proposed. All trees are proposed at a minimum box size of 24 inches (Eighteen trees are proposed to be 48 inch box size, which is mitigation for the illegal tree removal by the previous owner, and is not counted as a Planned District amenity) (condition D-3). Expanses of asphalt are broken through the use of modular/interlocking paving materials. Private patios and walkways are also to be of a modular/interlocking paver or patterned concrete design (condition D-7).

Section 8-21811(d) of the FMC further states:

*"Standards for area, coverage, density, yard requirements, parking and screening for P district use(s) most similar in nature and function to the proposed P district, as determined by applicable ordinances and laws of the City [i.e. R-G – Garden Apartment Residence]. Exceptions to these standards by the planning commission and the city council are possible when these bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof."*

Based on the above justifications, as well as the below analysis of required findings, staff believes that the proposed project merits rezoning to Planned District to allow the Step 2 density level, as well as the variations to the standard R-G zoning requirements for siting and setbacks.

An overview of the required Planned District Findings (per FMC Sec. 8-21813) and staff comments are provided below for Planning Commission review. These findings are further incorporated into the Findings and Conditions of Approval (Exhibit "C") for the project. Findings are as follows:

- (a) *The proposed "P" district, or a given unit thereof, can be substantially completed within four years of the establishment of the "P" district.*

Staff Comment: The project can be completed within this period of time.

- (b) *Each individual unit of development, as well as the total development can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district.*

Staff Comment: The proposed residential land use is consistent with the General Plan designation. The applicant has incorporated many features including significant landscaping and hardscaping designs, high quality design and construction for the residential units, and the an affordable housing component. Staff believes that the project will have a beneficial effect that could not be achieved under the standard R-G zoning district.

- (c) *The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the "P" district.*

Staff Comment: Fremont Boulevard is a major thoroughfare throughout the City of Fremont, and at this location in front of the proposed project. The increased traffic from twelve residential units was determined by the City's Traffic Division staff not to be a substantial increase for Fremont Boulevard. Additionally, because the proposed project will install complete street improvements along the project frontage, completing the last required street improvements along Fremont Boulevard in this area, overall traffic flow and circulation should be improved.

- (d) *Any proposed commercial development can be justified at the locations proposed to provide for adequate commercial facilities of the types proposed.*

Staff Comment: The proposed project is a residential project, and this finding is not applicable.

- (e) *Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council.*

Staff Comment: Through the Planned District process, the applicant is requesting approval of modifications to the Zoning Ordinance. As discussed previously, the applicant has incorporated many features that warrant an exception to the standard ordinance requirements.

- (f) *The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.*

Staff Comment: The area surrounding the development is fully developed.

- (g) *The "P" district is in conformance with the General Plan.*

Staff Comment: The project conforms to the General Plan density, as well as the goals and policies of the Land Use and Housing Chapters. This finding can be made.

- (h) *That existing or proposed utility services are adequate for the population densities proposed.*

Staff Comment: The site is well served by utilities. None of the responsible utility companies have stated they will be unable to provide the required services to the site.

- **Architecture:** The project architect has proposed a contemporary version of the craftsman style for the proposed houses, similar to that recently approved on a nearby project at Fremont Boulevard and Alder Avenue. The classical craftsman style, derived from the arts and crafts movement in architecture, originated in Southern California in the early 1900's and rapidly spread throughout the country. Craftsman style house construction reached its highest levels from 1905 through the 1920's, and included such details as low pitched, gabled and/or hipped roofs with wide,

unenclosed eave overhangs, exaggerated exposed rafters, beams, and braces, incorporation of porches and balconies, and emphasized structural systems and details.

The proposed contemporary craftsman style of this project incorporates many of the features of the classical craftsman style while using modern materials and details. The project incorporates large patios on one product type, which also help to tie the project to the street, and large, upper balconies/decks on the other. Natural wood railings, brackets and braces, and posts are incorporated, and are proposed to be painted, giving them a more modern appearance. The exterior of the buildings is proposed to be a combination of stucco and hardiplank horizontal lap siding, with raised trim at the windows. Staff has added a condition to require that this raised trim be wood rather than stucco-covered foam to coordinate better with the rest of the architecture (condition C-4). The overall forms of the structures also include a large amount of detailing, variation, and articulation at all elevations, which will provide interesting views from all angles while also breaking up the massing of the structures. Asphalt shingles are proposed for the roofing material. Various conditions of approval have been included to ensure that all architectural details are compatible and consistent, including that a more decorative garage door be chosen which will be appropriate to the architectural style of the building (condition C-3), and that all retaining walls shall be designed and finished so as to be compatible with the proposed architectural style as well (condition D-10).

A noise study was prepared for this project due to its proximity to Fremont Boulevard, and has detailed required mitigations in order to reduce interior and exterior noise levels to meet General Plan standards. Although the majority of these requirements, such as sound rated windows, mechanical ventilation systems, and the eight foot soundwall at the rear yard of unit 1, are easily addressed as CEQA mitigation measures and/or project conditions of approval, potential sound mitigation requirements at the front patios of units 10, 11, and 12 could have substantial negative effects on the proposed architecture of the project as well as the streetscape view and pedestrian orientation from and to Fremont Boulevard. The front patio areas of units 10, 11, and 12 are proposed with a combination of three foot and five foot walls, with the three foot wall containing the entry patio at the front door and the five foot wall containing the private open space enclosure off of the living room. Although the General Plan Health and Safety Chapter, Noise Element, does not address entry patios, it does state that "The outdoor standard [of 60-65 Ldn] will not normally be applied to small decks associated with apartments and condominiums, but these will be evaluated on a case by case basis" (Policy HS 8.1.1). Based on the provided noise study, the proposed 5-foot wall would need to be raised to 6 feet to achieve an Ldn of 65, which can be approved at the discretion of the City Council, and 8½ feet to achieve an Ldn of 60, which is the general standard, or the requirement can be waived altogether. Because of the aesthetic consequences of providing an 8½ foot wall at this frontage, staff is recommending and conditioning that a 6 foot wall be used in accordance with the requirements of the noise study to meet the 65 Ldn standard (condition C-5). As noted, General Plan Policy HS 8.1.1 would also allow this requirement to be waived completely, however, staff believes that a 6 foot wall would be appropriate to reduce the noise levels without overly affecting the overall architecture or site design. This 6 foot wall is not to be confused with the eight foot wall at the rear yard of unit 1 (condition A-9, mitigation 6(a)).

- **Open Space/Landscaping:** The applicant has proposed 51 percent open space, including patios and balconies, which is above the standard 50 percent requirement of Section 8-2805(e) of the R-G zone of the FMC. All trees proposed are of a minimum 24 inch box size, with no less than 18 of the trees to be less than 48 inch box size as mitigation for the prior illegal removal of numerous trees by the previous property owner (condition D-3). An existing Deodar Cedar tree is proposed to be removed, as based on an arborist's report it is in poor health and unlikely to survive in the long term, and shall also be replaced with a 48 inch box size tree. The entire site is proposed to be fully landscaped as part of this project.

Special hardscape treatments are also proposed to break up the expanses of asphalt and other paving. These treatments include modular/interlocking pavers at the interior "T" intersection and at the entrance to the site. All patios and exterior carports are also proposed to receive special paving treatments (condition D-7).

Staff has worked with the applicant to refine the overall landscaping planting plan to its current form. Concepts include:

- Planting of trees along both sides of the entry drive to create a traditional streetscape. This required careful architectural design of the units on the north side of the main aisle to ensure that trees would not conflict with proposed architectural elements such as pop outs or eaves. At the south side of the aisle, landscaped planters are incorporated between the proposed parallel parking stalls to allow room for the planting of large canopy trees. Conditions of approval have been included that two similar trees be located at the terminus of the secondary drive aisle, adjacent to units 7 and 12, and that an additional tree be located between unit 6 and the additional parking stall (condition D-4), which will help enforce this planting concept.
- The incorporation of landscaped lawn areas at the rear of the site where residents will be able to enjoy more quiet and private outdoor uses.
- The use of trees, planters, and other landscape treatments to create an attractive project front along Fremont Boulevard.

Staff has also included conditions of approval that the proposed transformer located at the north portion of the lot shall be undergrounded, in accordance with Section 8-2806(i) of the FMC (condition B-6), that the proposed streetlight shown at the terminus of the main drive be relocated to minimize potential light spillage or glare onto the adjacent property (condition B-3), and that the modular/interlocking paver or special concrete treatment be provided at the four foot garage aprons in front of units 7 through 12 (as shown on sheet A2.1) (condition D-7).

- **Parking:** Section 8-22003(2) of the FMC requires two parking spaces per unit for multi-family projects; one covered plus 0.5 uncovered for residents, and 0.5 uncovered for guests. The requirement for single-family homes is two covered per unit for residents. In accordance with past direction from staff, Planning Commission, and the City Council, the applicant has provided the maximum available parking onsite of two covered spaces per unit, plus 0.5 uncovered spaces per unit for guests, for a total of thirty spaces. Covered, resident's parking spaces are all located adjacent to and directly accessible from the respective units, while the uncovered, guest spaces are accessed off of the drive aisles. Conditions of approval are incorporated into the project to ensure that covered spaces remain clear of obstructions and available for use by the residents, and that guest spaces be marked and maintained clearly for use of visitors (condition B-1). This is especially important because no on street parking is available on Fremont Boulevard.
- **Circulation/Access Analysis:** Access to the project site is provided via a twenty-six foot wide driveway on Fremont Boulevard. Vehicles are limited to right turns in and out of this driveway due to an existing raised median in Fremont Boulevard. There is an existing median opening approximately thirty-eight feet northwest of the centerline of the new driveway. This median opening provides an opportunity for vehicles traveling northbound to perform U-turns to gain access to the site.

On-site circulation is provided by a private vehicle access way (PVAW), a type of private street used for condominium and townhouse projects. The PVAW has been designed to conform to the development policy for PVAWs adopted by City Council resolution 6201, as well as conform to the requirements of Article 20 of the Zoning Ordinance relating to parking and loading areas. Parking along the PVAW is prohibited; except for within the six guest parking stalls.

Pedestrian circulation is proposed onsite through the placement of sidewalks on each side of the main drive aisle, which also link to the public sidewalk system along Fremont Boulevard. Units 10, 11, and 12 will have sidewalks directly accessing the units from the Fremont Boulevard sidewalk system. The integration of the private pedestrian circulation system with the public pedestrian circulation system is a project amenity that will help allow future residents easier access to local destinations, including the Brookvale shopping center located across Fremont Boulevard.

- **Street Improvements:** The project frontage on Fremont Boulevard is currently unimproved. Fremont Boulevard is designated as a six-lane major thoroughfare in the General Plan, with a planned ultimate right-of-way width of one hundred and twenty-eight feet. The required right-of-way dedication, of approximately thirty-seven feet, and the

required street improvements will conform to the existing improvements installed with the adjacent development to the north, Tract 5726 (the Sunset Terrace development). Required street improvements include, but are not limited to, installation of pavement, curb, gutter, landscaping, and sidewalk. Conditions of approval for the required street improvements shall be included in the tentative tract map application.

- **View Impacts:** The project site is effectively flat with little grade or slope. The project proposal includes grading to lower the structures as much as possible, and includes mounding in front of many of the structures, as seen from Fremont Boulevard, so that the overall visual impact will be further reduced. Total height of the proposed structures is 32 feet measured from Fremont Boulevard, which is similar to neighboring developments. This project will not have any significant view impacts.
- **Grading/Topography:** The site is currently unimproved and is relatively flat with surface elevations ranging between thirty-eight feet and thirty-five feet. The site gradually slopes away from Fremont Boulevard. The project requires grading, including the installation of retaining walls, to facilitate the proposed development. The applicants engineer estimates grading for the project to be 960 cubic yards of cut and 700 cubic yards of fill, for total site grading of 1,660 cubic yards.

The applicant proposes the installation of retaining walls around the six "Building Type 2" units (7 through 12). The larger, Type 2, townhomes have third floor areas that exceed 500 square feet and typically would require a second stairwell exit be provided from the third floor. In this case, the applicant is proposing to raise the grade around the Type-II buildings with retaining walls. The applicant is doing this so these will be classified as two story buildings, with the garage area as a basement, according to the building code. Therefore a second exit is not required for the Type 2 buildings.

The smaller Type 1 buildings, which are not surrounded by retaining walls, are also proposed with a third floor area that exceeds 500 square feet. In order to comply with building code requirements, a condition of approval has been incorporated requiring the reduction of this third floor area or the incorporation of an additional third floor exit. The applicant has indicated that the proposed third floor area of these units will be reduced to less than 500 square feet, and that the current representation as greater than 500 square feet was a misrepresentation.

- **Drainage:** The existing drainage pattern in the project vicinity flows to the west, away from Fremont Boulevard. Because of this, storm water runoff from Fremont Boulevard and from the project flows towards an existing public storm drain system in Bacinada Drive. Bacinada Drive is a partial public street that is stubbed into the western corner of the project site.

Public water (from Fremont Boulevard) is being taken through the project. This requires that the storm drain system be public between Fremont Boulevard and Bacinada Drive. The public storm drain system will be located in a storm drain easement, which will be dedicated on the final map. Due to the City's obligation to maintain its facilities, a condition of approval is included with the Planned District giving the City Landscape Architect, the City Engineer, and the City's Maintenance Division authority to review and approve the landscaping proposed within the required storm drain easement. Landscaping within the vicinity of the storm drainpipe, particularly directly above the pipe, will be reviewed for long-term maintenance impact (condition E-3).

The "Building Type 1" units, 1 through 6, include a rear yard area. Storm water runoff from these areas is conveyed through a private storm drainpipe and overland release between each unit. The storm water eventually connects to the public storm drainpipe running through the landscape area west of unit 6. Because the water flows across property lines, a private storm drain easement will be recorded over the lots created for these units. Additionally, the homeowners will be required to maintain the systems to insure that storm water flow is maintained over the life of this project. The on-site storm drain system is not approved at this time, but shall be subject to review and approval of the Alameda County Flood Control and Water Conservation District and the City Engineer prior to final map approval.

- **Urban Runoff Clean Water Program:** The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

#### **Applicable Fees:**

- **Development Impact Fees:** This project will be subject to Citywide Development Impact Fees (condition A-5). These fees may include fees for fire protection, capital facilities and traffic impact. Residential projects will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.
- **Planned District Amenity Fees:** Planned District amenity fees will be applicable to this project for the two units above Step 1 density (condition A-6). Total amenity fees for the project will be \$16,800 (\$8,400 X 2 units). One half of the fees may be used for improvements onsite, such as upsizing trees (except for the required 48 inch box trees, which are mitigation measures) or providing special paving treatments. The other half of the fees shall be used offsite, based on Assistant City Manager, Planning Commission, and City Council direction.

**Waste Management:** This project involves residential construction and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. For this project, a condition has been added requiring that garbage, trash and recycling containers shall be suitably concealed behind permanent screening or fencing contiguous to the structure, or located within a garage, except they shall be placed at curbside in designated areas on the designated garbage pickup day (condition G-7).

**Environmental Analysis:** An Initial Study and Draft Negative Declaration have been prepared for this project. The Draft Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project (condition A-9). A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission.

The initial study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to draft Mitigated Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

**Response from Agencies and Organizations:** No outside response or comment had been received at the time of publication of this report.

<b>Enclosures:</b>	Exhibit "A"	Rezoning
	Exhibit "B"	Site, Architecture, Grading, and Landscape Plans
	Exhibit "C"	Planned District Findings and Conditions of Approval
	Exhibit "D"	Preliminary Grading Plan Findings and Conditions of Approval



Initial Study and Draft Mitigated Negative Declaration with accompanying Certificate of Fee Exemption

<b>Exhibits:</b>	Exhibit "A"	Rezoning
	Exhibit "B"	Site, Architecture, Grading, and Landscape Plans (Staff Amended)
	Exhibit "C"	Planned District Findings and Conditions of Approval
	Exhibit "D"	Preliminary Grading Plan Findings and Conditions of Approval
	Exhibit "E"	Color and Material Sample Board

**Recommended Actions:**

1. Hold public hearing.
2. Recommend the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend the City Council approve draft Mitigated Negative Declaration with accompanying Certificate of Fee Exemption and find it reflects the independent judgement of the City of Fremont.
4. Find PLN2002-00339 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use, Housing, and Health and Safety Chapters as enumerated within the staff report.
5. Recommend PLN2002-00339 to the City Council in conformance with Exhibit "A" (Rezoning Exhibit)

**EXHIBIT "C"**  
**Findings and Conditions of Approval for**  
**PLN2002-00339 (Preliminary and Precise Planned District)**  
**Brookvale Villas – Rockwell Homes, Inc.**  
**35659 and 35673 Fremont Boulevard**

**FINDINGS**

The findings below are made on the basis of information contained in the staff report and information from the public hearing to the Planning Commission dated March 13, 2003:

- (a) The proposed "P" district, or a given unit thereof, can be substantially completed within four years of the establishment of the "P" district.
- (b) That each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district because the Planned District process provides for modifications to the zoning standards which result in a superior project, as conditioned.
- (c) That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and the project will not generate traffic in such amounts as to overload the street network outside the "P" district because Fremont Boulevard is a major thoroughfare throughout the City of Fremont, and at this location in front of the proposed project. The increased traffic from twelve residential units was determined by the City's Traffic Division staff not to be a substantial increase for Fremont Boulevard. Additionally, because the proposed project will install complete street improvements along the project frontage, completing the last required street improvements along Fremont Boulevard in this area, overall traffic flow and circulation should be improved.
- (d) That any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council. Based on the incorporation of superior architecture and landscaping, and the inclusion of an affordable housing component, this project, as conditioned, is found to meet this requirement.
- (e) That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development. This is an infill development, and all of the other land surrounding this site has already been developed.
- (f) That the "P" district is in conformance with the General Plan of the City of Fremont. The project conforms to the General Plan land use designation of Medium Density Residential (11 to 15 dwelling units per acre) and is consistent with and implements the goals and policies of the Land Use and Housing Chapters of the General Plan.
- (g) That existing or proposed utility services are adequate for the population densities proposed. The site is well served by utilities. None of the responsible utility companies have stated they will be unable to provide the required services to the site.
- (h) All public improvements or facilities required as a part of this approval are directly attributable to the proposed development, and are required for reasons related to public health, safety and welfare.

**CONDITIONS**

## General Conditions

- A-1 The project shall conform to staff amended Exhibit "B" (Site, Architecture, Grading, and Landscape Plans), Exhibit "E" (Color and Material Sample Board), and all conditions of approval set forth herein. The maximum number of units shall not exceed 12, including 1 affordable unit, and shall be generally distributed as shown in Exhibit "B".
- A-2 In accordance with the applicant's offer to provide an affordable unit, and in accordance with Article 21.7, Inclusionary Housing, of the Fremont Municipal Code (FMC), one affordable unit shall be provided for this project. Final selection of Below Market Rate (BMR) housing unit shall be subject to the review and approval of the City's Office of Neighborhoods, Housing Division. If CC&Rs are to be incorporated into the project, the CC&Rs shall reflect the approved BMR agreement. Proposed location of affordable unit shall be shown on any Tentative Map application. Final location and details of BMR units shall be identified, and a complete BMR agreement acceptable to the City recorded, prior to acceptance of any Final Map or issuance of any building permit, whichever occurs first.
- A-3 Plans shall be submitted to the Development Organization for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-4 Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Assistant City Manager or his/her designee if such modifications are in keeping with the architectural statement of the original approval. However, the Assistant City Manager shall retain the authority to determine the level of review required, including a Planning Commission review.
- A-5 The project shall be subject to all Citywide development impact fees. These fees may include, but are not limited to, fees for fire protection, park dedication, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.
- A-6 The applicant shall pay amenity fees for all of the units above step 1 density (2 units @ \$8,400 each). Fifty percent of the amenity fees may be used for additional on-site improvements and the remainder shall be used for off-site work based on direction from the City Council, Planning Commission, and the Assistant City Manager. Upsizing proposed trees from 24 inch box size to 48 inch box size is mitigation for the previous illegal tree removal, and may not be counted against amenity fees.
- A-7 Amenity fees shall be paid at the time of final map acceptance or at the time of Development Organization approval, whichever occurs first.
- A-8 The validity of the costs for on-site amenities as required by the "P" District shall be determined at the time of Final Map or Development Organization approval, based on detailed cost figures submitted by the applicant. If, after review of the submitted figures, it is determined the improvements do not satisfy the amenity financial obligation, the difference in amenity dollars shall be paid to the City for off-site improvements.
- A-9 All provisions of the Mitigated Negative Declaration are incorporated into these conditions of approval. These provisions include:

***Mitigation #1:*** *To ensure that there are no impacts to adjacent properties, on-site light fixture design, height, intensity and direction shall be reviewed by the Development Organization at the building permit stage to ensure that there is no creation of glare or spilling of light beyond property boundaries. Implementation of this mitigation measure will reduce the identified impact to a non-significant level.*

**Mitigation #2:** The project shall comply with dust suppression measures. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage. In areas where construction is delayed for an extended period of time, the ground shall be re-vegetated to minimize the generation of dust. A person shall be designated to oversee the implementation of dust control.

**Mitigation #3:** The City's Tree Preservation Ordinance will require that suitable replacement tree(s) be provided onsite for the removal of the existing Deodar Cedar. Replacement of this tree will entail the installation of a 48"-box specimen tree, type to be approved by the City's Landscape Architect. With the replacement of this tree, this is a less than significant impact.

**Mitigation #4:** The City's Landscape Architect has required that no less than 18, 48"-box replacement trees shall be provided onsite as required by the City's Tree Preservation Ordinance as part of this project, as a result of the previous illegal removal of onsite trees. The City Landscape Architect shall approve the type and location of these trees. With the required replacement trees, this will be a less than significant impact.

**Mitigation #5:** Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5.(e) and (f) will be followed to reduce impacts to a non-significant level.

**Mitigation #6:** In order to mitigate potential noise impacts from Fremont Boulevard to a less than significant level, the following recommendations from the project's Noise Assessment shall be incorporated:

- a. Construct an 8 ft. high acoustically-effective barrier at the rear yard property line of Unit 1 facing Fremont Boulevard. Connect the barrier air-tight to the Unit 1 building and to the corresponding barrier at the property to the north. The barrier height is in reference to the nearest building pad elevation. This is required to achieve compliance with the 60 dB DNL standard at noise impacted rear yards.
- b. Maintain closed at all times all windows of living spaces within 250 ft. of the centerline of Fremont Boulevard and with a direct or side view of the roadway. Maintain closed at all times all glass patio doors that are exposed to noise greater than 60 dB DNL. Install windows rated minimum Sound Transmission Class (STC) 31 at all noise impacted living spaces within 170 ft. of the centerline of the road. Install windows and glass doors rated minimum STC 26 at all other noise impacted living spaces, including those behind a patio fence that achieves greater than 60 dB DNL noise exposure. Provide some type of mechanical ventilation. This is required to achieve acceptable interior noise exposures and maximum noise levels in project living spaces.

A letter signed by a qualified acoustical consultant shall be required prior to permit issuance confirming that the above recommendations have been incorporated within building permit plans.

**Mitigation #7:** Hours of construction shall be limited to 7 a.m. to 6 p.m. Monday through Friday, and 9 a.m. to 6 p.m. Saturday. No construction shall be permitted on Sundays.

## **Site Planning**

- B-1 A minimum of 2.5 parking spaces shall be provided for each residential unit. A minimum of one-half space per unit shall be designated for the exclusive use of guests and shall be so signed. The bylaws of the Homeowners Association shall be worded so as to prevent future assignment of such parking to individual unit(s) without prior consent of the Assistant City Manager.

- B-2 The parking configurations and dimensions shall conform to the City's standards and Ordinances and shall be reviewed as part of the Development Organization review process. The parking garages and carports shall be reserved for car parking and shall not be used for storage. This requirement shall be made a tentative tract map condition of approval and incorporated in the project CC&Rs subject to the approval of the City Engineer.
- B-3 The street lighting illumination level for the private vehicle access ways shall meet public roadway standards. The proposed light at the terminus of the main aisle shall be relocated to reduce the potential for glare or light spillage onto adjacent properties.
- B-4 Lighting associated with the project area shall be subject to staff review and approval during the Development Organization review process, and shall be of a pedestrian scale, and residential and decorative nature.
- B-5 All onsite signage, including directional signs, stop signs and other traffic signs, etc, shall be installed on 4x4 pressure treated wood posts (and NOT galvanized metal posts) wherever possible, subject to staff approval.
- B-6 The proposed transformer at the north corner of the site, adjacent to Fremont Boulevard, shall be undergrounded in accordance with the standard requirements of Section 8-2806(i) of the FMC. All mechanical equipment, such as backflow preventers and A/C units, shall also be located so as not to be visible from any public or private right-of-way, subject to staff review and approval.
- B-7 The developer shall install a masonry wall at the north, south, and west property lines. Walls shall be no less than 6 feet tall and no more than 8 feet tall, and should be of a horizontal board design and landscaped on both sides (exterior sides shall require a minimum of the planting of vines with appropriate irrigation), subject to staff review and approval. Final wall details shall be required prior to approval of the tentative map. Walls shall also be designed so as not to create unused spaces between the wall and any adjoining fences or structures. Walls will not be required if an existing masonry wall meets the intent of this condition.

### **Building Design**

- C-1 All mechanical equipment (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, on-site parking, and neighboring residential properties.
- C-2 Final building design, colors and materials shall be consistent with Exhibit "B" (Site, Architecture, Grading, and Landscape Plans) and Exhibit "E" (Color and Material Sample Board), subject to staff review and approval during Development Organization review. The applicant shall work with staff on defining architectural details and materials, and on the final choice of colors.
- C-3 Garage door design shall be modified to coordinate with the overall craftsman style of the structures, subject to staff review during the DO process. All garage doors shall be equipped with automatic garage door openers.
- C-4 Raised trim shall be provided at all exterior windows and doors, subject to staff review and approval. The trim shall be natural wood or painted wood, and shall not be stucco or stucco-covered foam.
- C-5 A 3 foot wall shall be provided at the front patios accessing the front doors on units 10-12. A 6 foot wall shall be provided at the private front patios, and shall contain a lockable, full height door between it and the public patio. The 6 foot wall and door shall be constructed as a sound barrier, subject to the requirements of the provided noise study and subject to review by the sound consultant. The walls at units 7-9 shall be in accordance with approved plans and need not be built as soundwalls.

- C-6 Total third floor area per unit of building type 1 shall be less than 500 square feet to meet applicable code requirements for exiting. If third floor area is greater than 500 square feet, a second exits shall be required, and if any proposed additional exit affects project architecture, Planning Commission review shall be required. If the reduction of floor area on the third floor is found to negatively affect architecture, Planning Commission review may also be required.

### **Landscaping**

- D-1 Second floor pop-outs or bay window overhangs are not permitted where trees are planted adjacent to structures.
- D-2 Proposed planters along the left side of the main aisle shall not be less than 5 feet by 8 feet internally, and shall be planted with large canopy trees. Planters on the right side (in front of units 1-6) shall be no less than 3½ feet by 5 feet internally and shall be planted with medium sized trees no closer than 8 feet from the structure, subject to the review and approval of the City's Landscape Architect.
- D-3 All trees shown on the project in Exhibit "B" shall be a minimum 24 inch box size. Additionally, no less than 18 trees shall be 48 inch box size as mitigation for the previous, illegal removal of multiple trees. 1 additional 48 inch box tree shall also be provided as mitigation for the removal of the existing Deodar Cedar. Final tree size, type, number, and location shall be subject to the review and approval of the City's Landscape Architect.
- D-4 An additional tree shall be provided at the landscape planter between unit 6 and the proposed parking stall. This may require relocating the proposed utilities in this area. Two large canopy trees shall be provided at the terminus of the "T" intersection, proximate to units 7 and 12.
- D-5 Small trees (to 15 feet tall) shall not be planted closer than six feet from building with a minimum planting area 5 wide. Medium trees (to 30 feet tall) shall not be planted closer than eight feet from building with a minimum planting area 6 feet wide. Tall trees (above 30 feet tall) shall not be planted closer than 15 feet from building with a minimum planting area 6 feet wide, preferably 8 feet wide.
- D-6 All trees within eight feet of curbing, paving, walls, or building foundation shall require root control barriers.
- D-7 All locations on Exhibit "B" within common areas that show a special paving pattern, such as at street crosswalks and other circulation areas, shall be brick or other modular paving. These areas will not have stamped colored concrete. Patios, private walks, carports, and other privately owned and maintained areas may have modular pavers, or stamped, textured, and/or colored concrete, subject to staff review and approval during Final Map and/or Development Organization review. Special paving treatment shall be provided at the garage aprons of units 7-9 and 10-12. Special paving treatment at rear yards is not required.
- D-8 The private patio areas and rear yards shall include hardscape, irrigation, and landscape planting, to be reviewed during the Development Organization review process. Each rear yard of units 1-6 shall contain a minimum of one 24 inch box tree.
- D-9 A landscape plan shall be submitted to the Development Organization for review and approval, indicating full details regarding (1) paving materials and textures of walkways, (2) lighting of walkways and driveways with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and parkway areas. As part of the landscape plan the applicant shall submit to the Development Organization:
- a. An underground irrigation plan.

- b. Weed control specifications.
  - c. A lighting plan for the illumination of the building, driveways and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
  - d. Construction details of raised planters, walkways, paths, benches, walls, fences, trellises, and other architectural features as appropriate.
- D-10 All walls shall be designed, detailed, and finished to be compatible with the proposed architecture of the project. All walls shall be heavily landscaped (on both sides if applicable). This may include vines, shrubs, and trees to minimize their visibility and to help prevent graffiti, subject to staff review during the DO process.
- D-11 Landscape Architect/Civil Engineer shall verify the need for guardrails at retaining walls where difference in grade exceeds 30" between FS and BW, subject to staff review and approval.
- D-12 The height and location of fences shall be reviewed for conformance with Zoning Ordinance requirements and compatible design during the Development Organization review process. The applicant shall work with staff to refine the details of fencing and other architectural details as necessary through this process.

#### **Engineering Conditions**

- E-1 A tentative tract map application shall be submitted for Planning Commission review and approval, and may be subject to modifications at the time of review.
- E-2 The developer shall install right-turn arrow legend and right-turn only sign for the driveway exit, subject to staff review and approval.
- E-3 The landscaping within the proposed storm drain easement, particularly the landscaped area between unit 6 and Bacinada Drive, shall be subject to review and approval of the City Landscape Architect, City Engineer, and the City's Maintenance Division prior to approval of the final map.
- E-4 The Fremont Boulevard driveway shall be a modified City standard SD-14, Type "E", driveway provided with a maximum two percent (2%) cross-slope for the sidewalk connection across the driveway. The driveway design and location shall be subject to review and approval of the City Engineer prior to final map approval.

#### **During Construction/ Grading**

- F-1 The applicant shall notify Planning staff of the construction schedule. At the time of installation of framing and stucco/siding, the applicant or a representative of the applicant, shall request an on-site inspection by the project planner, to ensure compliance with the architectural detailing of the residences.
- F-2 Construction activities shall be limited to the following hours of operation:

7 a.m. to 6 p.m. Monday through Friday  
9 a.m. to 6 p.m. Saturday

Failure to comply with the above-described hours of operation may result in the suspension of building inspections.

#### **Conditions to be included in the CC&Rs**

- G-1 Prior to acceptance of the Final Map, a Homeowners Association shall be formed and shall covenant and be responsible for the maintenance of all commonly owned facilities, including private vehicle access ways, which are not maintained by the public utility agency, except that all maintenance work resulting from backfill failure shall be the responsibility of the homeowners association (after the one-year warranty period). The developer shall be responsible for maintenance of all facilities during the one-year warranty period.
- G-2 The developer shall provide a complete set of as-built construction plans to the Homeowners Association prior to the final certificate of occupancy being issued for the final residential unit.
- G-3 The Homeowners Association formed in conjunction with this project shall be responsible for maintenance of landscaping on all common areas after the first year of developer maintenance. Landscaping shall be designed with an efficient irrigation system to reduce runoff and promote surface filtration and to minimize the use of fertilizers, herbicides and pesticides, which can contribute to urban runoff pollution.
- G-4 The Homeowners Association shall be required to contract with a professional management firm to handle maintenance operations and dues collection procedures. Documentation of such contract shall be submitted to the City.
- G-5 The CC&Rs for the project shall prohibit the parking of boats, campers, and trailers on the site outside of enclosed garages. In no event shall household storage, boats, campers or trailers, prevent the parking of passenger vehicles in a garage area or parking space.
- G-6 The bylaws of the Homeowners Association shall be worded so as to prevent future assignment of guest parking to individual unit(s) without prior consent of the Assistant City Manager.
- G-7 Garbage, trash and recycling containers shall be suitably concealed behind permanent screening or fencing contiguous to the structure, or located within a garage, except they shall be placed at curbside in designated areas on the designated garbage pickup day. This condition of approval shall be included in the CC&Rs for this project.
- G-8 As part of the Development Organization review of this project, and prior to issuance of the final map, the applicant shall submit a copy of the proposed CC&Rs for this project to the Planning and Engineering Divisions for review and approval.
- G-9 The Homeowners Association shall be responsible for litter control and sweeping of all paved surfaces of the private streets. All private storm drain systems are to be cleaned immediately before the commencement of the rainy season (October 15).
- G-10 The Homeowners Association is to periodically provide educational materials on storm water pollution prevention (as furnished by the City) to all members.
- G-11 No exterior additions or modifications to the residences, including the addition of pre-manufactured sunrooms, shall be permitted. This condition shall be incorporated into the CC&Rs for this project. Additionally, this condition shall be incorporated as a deed restriction for each lot within the development, subject to the review and approval of staff prior to the acceptance of the first Final Map for this project.
- G-12 All roof-mounted and other mechanical equipment shall be screened from view from adjacent public rights-of-way as well as from adjoining properties, subject to the review and approval of staff during the Development Organization review process.

### **Fire Department Conditions**



The Fire Department will review plans and specifications at the tract and building permit stage to ensure compliance with all applicable codes and policies. The following conditions are preliminary and will be subject to staff review and approval:

- H-1 The applicant shall install an automatic fire sprinkler system in the building for fire protection purposes. Waterflow and control valves must be monitored by a central alarm monitoring system and Central Station, except single family dwellings. The monitoring system shall have a smoke detector placed over the fire panel, a pull station, and an audible device located in a normally occupied location.
- H-2 Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13 R
- H-3 The applicant shall provide the Fremont Fire Department with a site plan/ Civil Utility Plan for approval of public and on-site fire hydrant locations.
- H-4 The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
- H-5 The applicant shall provide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. UFC 902.2.1.
- H-6 The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the U.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.
- H-7 Building over 35' in height require fire apparatus roadways with a minimum 26' width. Set back from buildings must equal  $1/4$  height of the building plus a 26' roadway. Ex: 4 story 48' peak roof divided by  $1/4 = 12'$  setback, plus 26' roadway. If a fire hydrant is required, the road must be 26 foot wide for 20 feet on both sides of the hydrant(s).
- H-8 Address must always be visible from Public Street or PVAW.
- H-9 Any/all new street names and addressing shall be approved by the Fire Department.
- H-10 A driveway access serving one dwelling/structure shall have a minimum 20 foot unobstructed width driveway/access road. The access road must provide all portions of the first floor with the required 150 feet access to the rear of the building. A driveway/ access road serving two or more dwelling/structures shall have a minimum 20 foot unobstructed width. A driveway access serving three or more dwelling/structures shall have a minimum 20 foot unobstructed linear width. These driveways/access roads shall be designated as Fire Lanes. Driveway /access roads and shall meet Fire Department standards for distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's shall/may be required in addition to those listed. (UFC 1994, Sec. 902.2 as amended)
- H-11 Fire hydrant spacing requirement is: 300 feet. The distance is measured as the fire engine travels on all-weather surfaces.
- H-12 The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other

environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

**EXHIBIT "D"**  
**Findings and Conditions of Approval for**  
**PLN2002-00339 (Preliminary Grading Plan)**  
**Brookvale Villas – Rockwell Homes, Inc.**  
**35659 and 35673 Fremont Boulevard**

**FINDINGS**

The findings below are made on the basis of information contained in the staff report and information from the public hearing to the Planning Commission dated March 13, 2003:

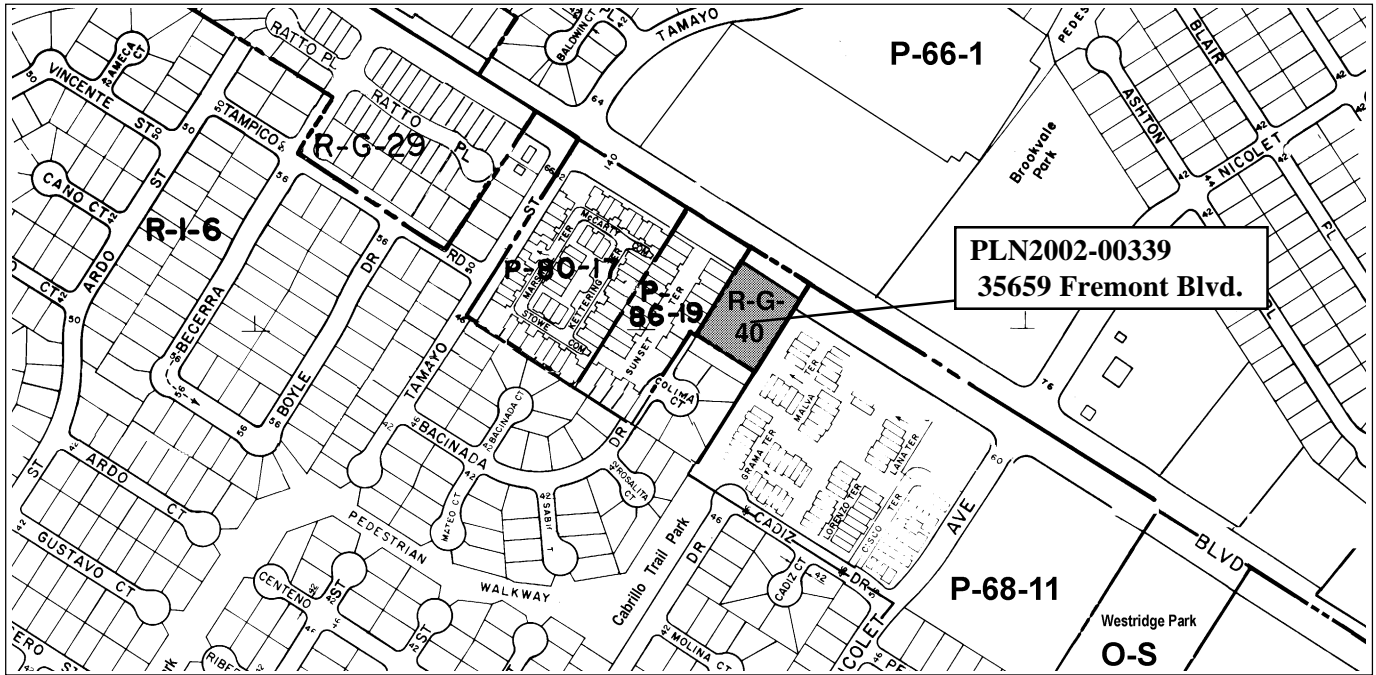
1. The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, substantially and negatively different from the existing natural appearance.
2. The proposed project described in the application will not result in geologic or topographic instability on or near the site. Based on geologic information available, the site is not in a special studies zone. There are no fault zones or evidence of slides on the site which might be aggravated by the grading of the development.
3. The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The adequacy of the existing sewer, water and drainage facilities proposed for the project has been reviewed by the different utility agencies. The proposed development will not alter or obstruct the natural flow from abutting properties or divert drainage from its natural watershed. The applicant will be required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.
4. Conformity, where applicable, to special concerns relating to the adopted Seismic Safety Element and concerns shown on maps issued by the U.S. Geological Survey and the California Division of Mines and Geology shall be accomplished at time of final map. Supplemental data and substantiation of conclusions may be required by the public works director upon city review of the reports. The proposed development is not in any special studies zone nor is there evidence of presence of any fault or active slides per maps issued by the U.S. Geological Survey and the California Division of Mines and Geology.
5. The proposed project described in the application will not unacceptably affect the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont.

**CONDITIONS**

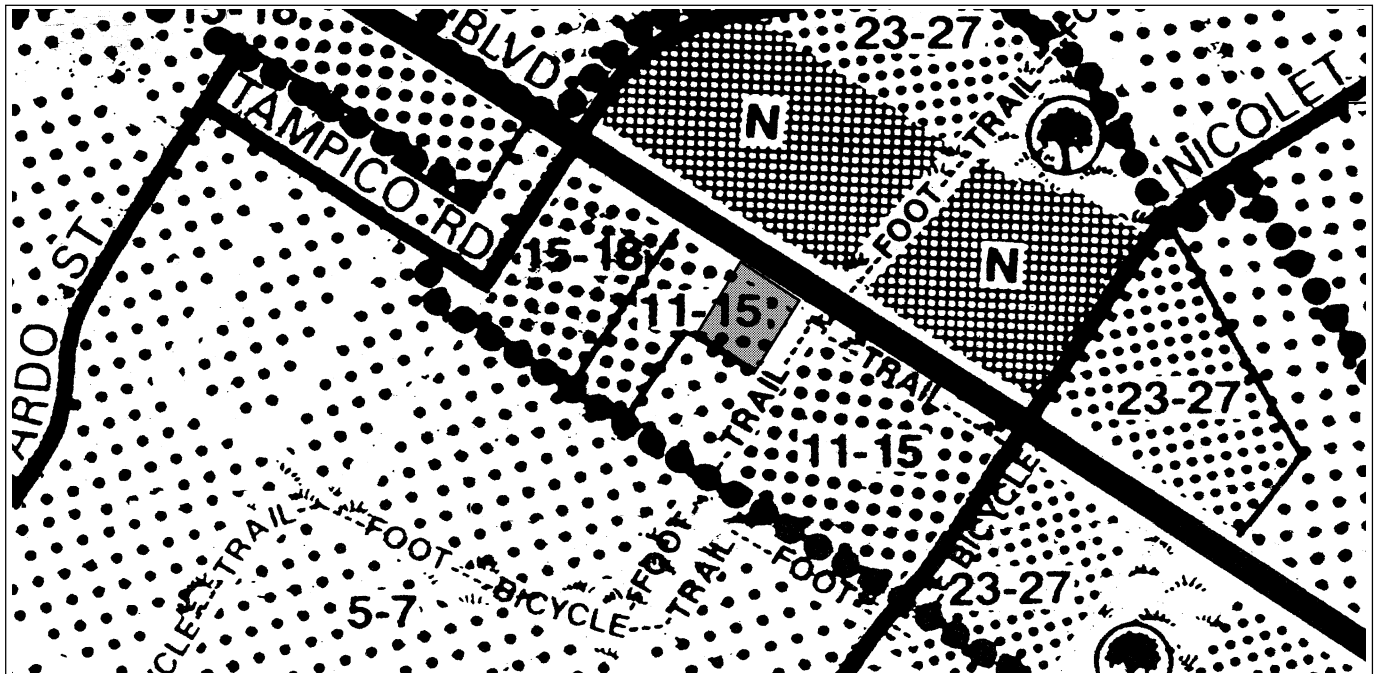
1. The project shall conform to Exhibit "B", Preliminary Grading Plan (PLN2002-00339), all conditions of approval set forth herein, and all conditions of approval Planned District (PLN2002-00339).
2. Approval of this preliminary grading plan is contingent upon approval of the Planned District (PLN2002-000339) by City Council.
3. Approval of this preliminary grading plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
4. Approval of this preliminary grading plan shall run concurrent with the approval and subsequent extensions of the required tentative tract map, or 24 months after Planned District approval if a tentative map has not been approved.

5. The developer shall obtain a final grading permit in conjunction with the final map. Grading shall be subject to the approval of the City Engineer.
6. The developer shall provide for a functional drainage system subject to approval of the City Engineer and Alameda County Flood Control and Water Conservation District.
7. The developer shall provide preliminary hydrology and hydraulic calculations, as part of the tentative tract map application, for the proposed public and private storm drain system. The calculations shall demonstrate the adequacy of the proposed system including, but not limited to, the proposed depressed curb and gutter, the overland drainage release between units 1 through 6, and the overland release between the private vehicle access way and Bacinada Drive.
8. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
9. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.
10. The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer and Alameda County Flood Control and Water Conservation District. A separate plan shall be submitted for this purpose.
11. All cut and fill slopes shall be constructed to a maximum of three horizontal to one vertical (3:1).
12. The applicant shall submit a detailed soils report including recommendations regarding structural sections, prepared by a qualified soils engineer registered by the State of California.
13. Grading operations shall be in accordance with recommendations contained in the required soils report and be supervised by an engineer registered in the State of California to do such work. City staff will assume inspection responsibility for street grading at a point six inches below planned subgrade.
14. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul route for the excess dirt or import fill shall be subject to the approval of the City Engineer.
15. The applicant may be allowed grading deviation up to a maximum of one foot (plus or minus) between the preliminary grading plan and the final grading plan. Deviation over one foot may be referred to the Planning Commission subject to approval of the City Engineer.
16. The minimum drainage slope in swales shall be 1.5%.
17. Unless otherwise noted on Exhibit C, all retaining walls shall be limited to a maximum height of three feet. All retaining walls supporting surcharge shall be reinforced concrete or approved equal. Pressure treated wood retaining walls will be allowed for retaining walls 12-inches or less in height.

# INFORMATIONAL



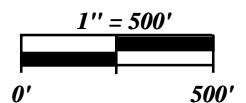
Existing Zoning



Existing General Plan

**Project Number:** PLN2002-00339 (PD, GP)  
**Project Name:** Brookvale Villas  
**Project Description:** To consider a Preliminary and Precise Planned District Rezoning and a Preliminary Grading Plan to allow 12 townhouses on a currently vacant 0.94-acre site in the Centerville Planning Area.

**Note:** Prior arrangements for access are not required for this site.



# EXHIBIT "A"

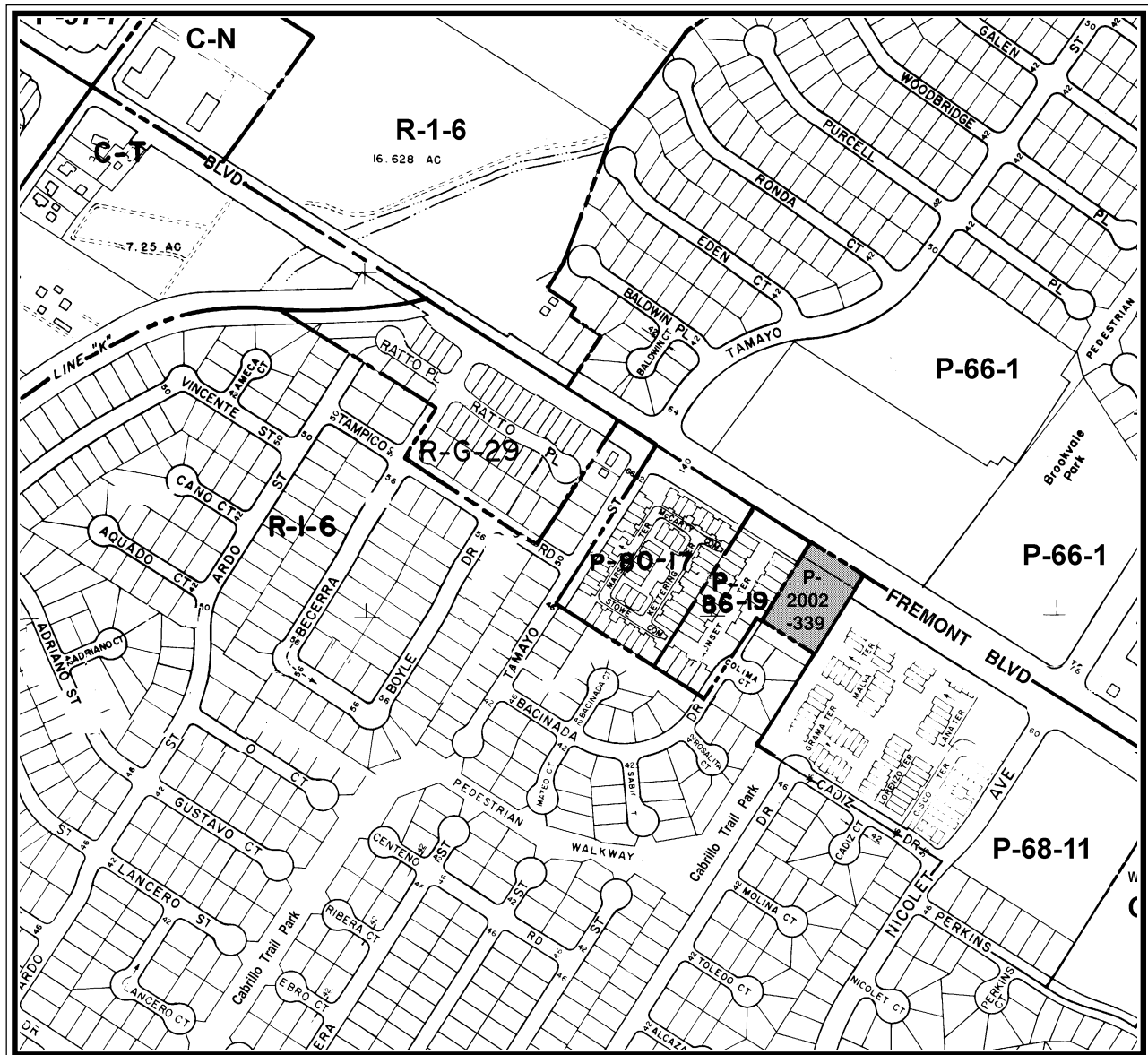
Attached to and made a part of

**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **2002** .

## ZONING MAP (SECTION) CITY OF FREMONT, CALIFORNIA



From: R-G-40  
To: P-2002-339

[pc 03-13-03] 54-392

### AFFECTS ZONING MAP(S) FOR THE CENTERVILLE PLANNING AREA

Associated files:

PLN2002-00339 (PD)